

**SEVENTY-THIRD DAY**

(Monday, May 22, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent—Excused

Beck	Spears
Cotten	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 19, 1939, was dispensed with and the Journal was approved.

**Leaves of Absence Granted**

Senator Spears was granted leave of absence for today, on account of important business, on motion of Senator Graves.

Senator Beck was granted leave of absence for today, an account of important business, on motion of Senator Redditt.

Senator Cotten was granted leave of absence for today, on account of important business, on motion of Senator Burns.

**Message from the House**

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 427, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State Government for the two-year period beginning September 1, 1939, and ending August 31, 1941, and for other purposes; and declaring it unlawful for persons employed in the several departments to engage in political campaigns relating to election or re-election of any candidate or candidates for the head of such department and any public office and prescribing procedure for removal of such employees; and making it unlawful to use any State-owned automobile in connection with any campaign relating to any measures in which the particular department by which the employee is employed is directly interested and/or in behalf of the election or re-election of any person as the head of such department; and prescribing procedure and penalties for violation of this Act; and prescribing certain other regulations and restrictions in respect to the appropriations made herein, and declaring an emergency." (With amendments.)

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

**Senate Resolution 85**

Senator Brownlee offered the following resolution:

Whereas, The United States flag and the flag of Texas are symbolic of patriotism and loyalty to our Democratic principles of Government, and

Whereas, Such flags should be unfurled in public places and on occasions appropriate therefor, and

Whereas, At the seat of government, and just back of, and to the right and to the left of the Speaker's stand, would be an appropriate place for such flags, and

Whereas, The unfurling of these two flags should inspire patriotic sentiments and laudable endeavors on

the part of the law-makers of the State, and

Whereas, The flags now in these positions are old, worn and discolored, and should be replaced by new flags, now, therefore, be it

Resolved, by the Senate of the State of Texas, That the Secretary thereof be, and he is hereby, authorized to remove such old flags and purchase new flags in place thereof, and to place said flags in the positions hereinabove indicated; and that payment for such flags be made out of the contingent expense fund of the Senate of the State of Texas on warrants drawn and authorized as is now provided, for the payment of other expenses of the Senate, and it is so resolved.

The resolution was read and was transferred to the President's table.

#### Senate Resolution 86

Senator Weinert offered the following resolution:

Whereas, When this session of the Texas Legislature convened, it faced these social security problems: The Old Age Assistance Fund was more than \$2,000,000 in debt and it was immediately necessary to further increase this loan in order that current pension payments might be maintained. No action had been taken to provide the money to finance aid for dependent children, aid for the blind or teachers' retirement, all of which the people had authorized by constitutional amendment; and

Whereas, The Texas Senate, through the individual studies of its members and through its committees, for more than two months gave careful consideration to the whole social security program and it reached the definite conclusion that the adoption of a constitutional amendment offered the only way of solving this problem to the best interests of taxpayers and the recipients of social security services. It reached this conclusion primarily for four reasons:

(1) This State has never before entered upon a social security program involving the payment of pensions to large groups except in one instance and that was when the State made provision to pay pensions to Confederate Soldiers. The State at that time adopted the principle of writing the authorization for the pension and the tax to pay the pension

both into the Constitution, and we believe that this tried and established principle should now be continued.

(2) If the best use is to be made of the money paid to care for dependent children, aid for the blind and to pay old age pensions, it is absolutely essential that those responsible for administering these services have reasonable assurance from year to year as to the amount of money which will be available, which assurance could not be possible under a plan of statutory enactment.

(3) The paying of money out of the public treasury controlled by statutory enactment to large groups of people opens the avenue of uncertainty for not only the recipients of the social security but for the taxpayer. It is essential, therefore, that the taxpayer be protected against unreasonable demands for money for social security services.

(4) To meet the obligations of the four constitutional amendments which the people have adopted on social security involves the expenditure of a large amount of money, and it involves the fixing of a major State policy of government, both of which we believe to be of such importance that they should be submitted to the citizens of this State for their approval, to the end that we may know we are pursuing a course that has the full endorsement of the taxpayers of this State; and

Whereas, In view of the fact that we now face a \$20,000,000 deficit in our General Fund, that we are operating our old age assistance on borrowed money, and that a large part of the social security program of the State is unfunded and there is a pressing demand that this Legislature solve these problems, it is the opinion of the Texas Senate that in order to avoid confusion during the last hours of this Session it should now make known to the public its position with reference to these matters; now, therefore, be it

Resolved by the Texas Senate, That in view of all the reasons stated we feel that it would be unsound public policy to attempt to finance the social security program of this State by statutory enactment, and while this Senate is willing to cooperate with the House in working out a satisfactory Constitutional Amendment and in a spirit of cooperation with the House, the great majority of the

members of which body have expressed their agreement with the Senate that the constitutional method of approach is the desirable one, this Senate is of the firm belief that the adoption of Senate Joint Resolution No. 12, which has already passed this body and is now in the hands of the House, with such amendments as could be mutually agreed upon between the House and the Senate, offers the only means of financing old age pensions and other social security services and we most respectfully ask the cooperation of the minority members of the House in attaining this objection already approved by the Senate and already approved by the large majority of the House.

The resolution was read.

Senator Martin moved that the regular order of business be suspended and that the resolution be considered immediately.

The motion prevailed by the following vote:

## Yeas—20

Aikin	Pace
Burns	Redditt
Collie	Roberts
Graves	Shivers
Hardin	Small
Isbell	Stone
Kelley	of Washington
Martin	Van Zandt
Moffett	Weinert
Moore	Winfield
Nelson	

## Nays—6

Head	Stone
Hill	of Galveston
Lanning	Sulak
Metcalf	

## Absent

Brownlee	Lemens
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## Absent—Excused

Beck	Spears
Cotten	

The President laid the resolution before the Senate.

Question—Shall the resolution be adopted?

Senator Van Zandt moved the previous question on the adoption of the resolution, and the motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

## Yeas—13

Brownlee	Roberts
Hardin	Shivers
Martin	Small
Moore	Van Zandt
Nelson	Weinert
Pace	Winfield
Redditt	

## Nays—14

Aikin	Lanning
Burns	Metcalf
Collie	Moffett
Graves	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak

## Absent

Lemens

## Absent—Excused

Beck	Spears
Cotten	

After debate, Senator Van Zandt moved the previous question on the adoption of the resolution, and the motion was duly seconded.

Question—Shall the main question now be ordered?

The Senate refused to order the main question at this time by the following vote:

## Yeas—14

Brownlee	Shivers
Hardin	Small
Martin	Stone
Moore	of Galveston
Nelson	Van Zandt
Pace	Weinert
Redditt	Winfield
Roberts	

## Nays—14

Aikin	Lanning
Burns	Lemens
Collie	Metcalf
Graves	Moffett
Head	Stone
Hill	of Washington
Isbell	Sulak
Kelley	

## Absent—Excused

Beck	Spears
Cotten	

After further debate, Senator Van Zandt moved the previous question on the adoption of the resolution, and the motion was duly seconded.

The main question was ordered by the following vote:

## Yeas—17

Brownlee	Shivers
Hardin	Small
Kelley	Stone
Martin	of Galveston
Moffett	Stone
Moore	of Washington
Nelson	Van Zandt
Pace	Weinert
Redditt	Winfield
Roberts	

## Nays—10

Aikin	Hill
Burns	Lanning
Collie	Lemens
Graves	Metcalf
Head	Sulak

## Absent

Isbell

## Absent—Excused

Beck	Spears
Cotten	

Question recurring on the adoption of the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

## Yeas—18

Aikin	Redditt
Burns	Roberts
Collie	Shivers
Hardin	Small
Isbell	Stone
Kelley	of Washington
Martin	Van Zandt
Moore	Weinert
Nelson	Winfield
Pace	

## Nays—8

Graves	Metcalf
Head	Stone
Hill	of Galveston
Lanning	Sulak
Lemens	

## Absent

Moffett

## Absent—Excused

Cotten	Spears
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## Paired

Senator Brownlee (present), who would vote "nay," with Senator Beck (absent), who would vote "yea."

## Senate Bill on First Reading

Senator Winfield moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion prevailed by the following vote:

## Yeas—26

Aikin	Nelson
Brownlee	Pace
Collie	Redditt
Graves	Roberts
Head	Shivers
Hill	Small
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield

## Nays—1

Burns

## Absent

Hardin

## Absent—Excused

Beck	Spears
Cotten	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Winfield:

S. B. No. 475, A bill to be entitled "An Act providing for the licensing and regulation of the business of lending money; placing supervisory authority over such business in the State Banking Commissioner and prescribing his powers and duties; providing exemptions; defining offenses and prescribing the punishment thereof and prescribing penalties; repealing all laws and parts of laws in conflict with this Act; providing that if any portion hereof shall be held to be unconstitutional, the balance of the Act shall remain in full force

and effect; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

#### Senate Bill 427 with House Amendments

Senator Roberts called S. B. No. 427 from the President's table for consideration at this time of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

Senator Roberts moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Roberts, Aikin, Beck, Redditt and Weinert.

#### Senate Bill 192 on Final Passage

On motion of Senator Stone of Washington and by unanimous consent, the regular order of business was suspended, to permit further consideration of S. B. No. 192 at this time.

The President laid before the Senate, on its final passage (the bill having been read third time on Monday, May 15, 1939):

S. B. No. 192, A bill to be entitled "An Act authorizing Commissioners' Courts to acquire by purchase or by condemnation any new or wider right of way or land not exceeding one hundred (100) feet in width for stream bed diversion and drainage channels in connection with the locating, relocating, construction, reconstruction or maintenance of any public road; and to acquire by purchase or by condemnation land or lands for obtaining earth, stone, gravel or other material necessary or convenient to the construction, reconstruction, maintenance, widening, straightening, or lengthening of any public road and to pay for the same out of the County

Road and Bridge Fund or out of any available county funds; repealing all laws in conflict herewith; and declaring an emergency."

The bill was passed by the following vote:

#### Yeas—24

Aikin	Nelson
Brownlee	Pace
Collie	Redditt
Graves	Roberts
Head	Shivers
Isbell	Small
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield

#### Nays—4

Burns	Hill
Hardin	Sulak

#### Absent—Excused

Beck	Spears
Cotten	

#### Bills and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 1046, "An Act to validate and confirm certain actions and proceedings of the Texas Old Age Assistance Commission and the Governor, Comptroller, and Treasurer of the State of Texas, with respect to the authorization and issuance of warrants for old age assistance under Section 5-b of Article 3 of the Constitution and contracting for the payment of interest on warrants purchased and cashed for the recipients at the request of the Commission and to the authorization and execution of interest-bearing State of Texas Treasury certificates to be issued in exchange for warrants so purchased and to validate and confirm such warrants and certificates as a prior charge on the Texas Old Age Assistance Fund, to validate the appropriation therefor and to make other provisions relating thereto, and declaring an emergency."

S. B. No. 9, "An Act to amend Section 3 of Article 2 of Chapter 495, Acts of the Forty-fourth Legis-

lature, Third Called Session, by deleting therefrom sub-section (g) and to amend Section 4 of Article 2 of Chapter 495, Acts Forty-fourth Legislature, Third Called Session; [relating to old age assistance] and declaring an emergency."

H. C. R. No. 149, Extending an invitation to the President and his party to visit Texas while he is en route to the West Coast.

H. C. R. No. 124, Granting District Judge O. L. Parish leave of absence from the State.

#### Senate Bill on First Reading

Senator Head moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

#### Absent—Excused

Beck	Spears
Cotten	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Head:

S. B. No. 476, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not less than 15,700 and not more than 15,800 according to the last preceding Federal Census, to allow each county commissioner certain traveling expenses while traveling on official business, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

#### House Bill 363 on Passage to Third Reading

Senator Shivers moved that the regular order of business be suspended, to permit further consideration of H. B. No. 363 at this time.

The motion prevailed by the following vote:

#### Yeas—20

Aikin	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Stone
Hardin	of Galveston
Head	Stone
Kelley	of Washington
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield
Moore	

#### Nays—6

Hill	Lemens
Isbell	Small
Lanning	Sulak

#### Absent

Nelson

#### Absent—Excused

Beck	Spears
Cotten	

The President laid before the Senate, on its passage to third reading:

H. B. No. 363, A bill to be entitled "An Act providing for instruction in Americanism and on the Constitution of the United States in all public and private schools located within this State, providing for supervision by the Superintendent of Public Instruction, providing for compulsory examination of students on Americanism and the Constitution of the United States, fixing a penalty for the willful neglect or failure on the part of the superintendent, principal or teacher to carry out the requirements of this Act and fixing the duty of the Superintendent of Public Instruction in carrying out the provisions hereof."

With (committee) amendment, substitute for the (committee) amendment, and amendment by Senator Lanning to the substitute pending.

Senator Burns moved the previous question on the pending amendments

and the passage of the bill to third reading, and the main question was ordered.

Question first recurring on the substitute, it was adopted.

Question next recurring on the amendment of Senator Lanning, it was adopted.

The (committee) amendment as substituted as amended was adopted.

By unanimous consent, the caption was ordered amended to conform to changes made in the body of the bill.

The bill (as amended) then was passed to third reading.

#### House Bill 363 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 363 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—24

Aikin	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Graves	Shivers
Hardin	Stone
Head	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield

#### Nays—4

Hill	Martin
Isbell	Small

#### Absent—Excused

Beck	Spears
Cotten	

The President then laid the bill before the Senate on its third reading and final passage.

Senator Pace offered the following amendment to the bill:

Amend H. B. No. 363, by adding a new section thereto, to be known as Section 2A, as follows:

"Sec. 2A. The State Board of

Education may, by a vote of at least six of its members, adopt for use in the public high schools one or more, not to exceed five, books containing the basic charters and documents of American Democracy, both State and Federal, and a discussion of them; said book or books to be used by such schools and in such grades as collateral or supplementary reading in the courses in History and Government or in the courses in Political and Social Sciences. The Board of Education may fix the quota or quotas on such book or books in such manner as it deems best for the proper presentation of the principles of American Democracy."

Senator Burns moved the previous question on the amendment and the final passage of the bill, and the motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

#### Yeas—13

Brownlee	Redditt
Burns	Roberts
Hardin	Shivers
Kelley	Stone
Martin	of Washington
Moore	Van Zandt
Pace	Weinert

#### Nays—14

Aikin	Lemens
Collie	Metcalf
Graves	Moffett
Head	Nelson
Hill	Small
Isbell	Sulak
Lanning	Winfield

#### Absent

Stone
of Galveston

#### Absent—Excused

Beck	Spears
Cotten	

Senator Shivers raised a point of order against further consideration of the amendment at this time, on the ground that it is not germane to the original purposes of the bill.

The President sustained the point of order.

Senator Moore moved the previous question on the passage of the bill, and the main question was ordered.

The bill was passed by the following vote:

## Yeas—24

Aikin	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Graves	Shivers
Hardin	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield

## Nays—4

Head	Isbell
Hill	Small

## Absent—Excused

Beck	Spears
Cotten	

## Senate Bill 187 with House Amendments

Senator Sulak called S. B. No. 187 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

## Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

## Absent—Excused

Beck	Spears
Cotten	

## House Concurrent Resolution 142

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 142, Granting Susan Robertson, et al., the right to sue the State.

The resolution was read; and by unanimous consent, it was considered immediately and was adopted.

## House Concurrent Resolution 153

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 153, Recalling H. B. No. 1080 from the Senate.

The resolution was read; and on motion of Senator Hill and by unanimous consent, it was considered immediately.

The resolution was adopted.

## House Concurrent Resolution 154

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 154, Congratulating Mr. Murray G. Sells and the City of Gladewater on the Second Annual Gladewater Roundup.

The resolution was read; and on motion of Senator Hill and by unanimous consent, it was considered immediately.

The resolution was adopted.

## House Bill 72 on Second Reading

(Special Order)

The President laid before the Senate, as a special order for this hour, on its second reading and passage to third reading:

H. B. No. 72, A bill to be entitled "An Act amending Chapter 277, Acts of the Regular Session of the Forty-second Legislature, as heretofore amended, designating said Act as the 'Motor Carrier Act of Texas' and adding the sections thereto contained in this Act, to be known as the 'Private Motor Carrier Act of Texas,' providing that said Motor Carrier Act



shall not apply to a private carrier, as herein defined, except as specifically provided by this Act; defining a private carrier and stating the qualifications necessary to qualify as such; defining a fixed and established place of business; defining the term 'person;' defining the term 'Commission;' providing for certain exemptions from the terms of this Act; providing that the use of the highways by private carriers, as herein defined, shall not be regarded as the use of such highways for transporting property for compensation or hire; making it unlawful for a private carrier to operate without a permit, and that no such permit shall be issued until the applicant shall have in all things complied with the requirements of this Act; providing for a written application and the information to be contained therein; providing that it shall be the duty of the Railroad Commission to issue permits to private carriers in compliance with the terms of this Act and the rules and regulations of the Railroad Commission, etc., and declaring an emergency."

The bill was read second time.

Senator Lemens offered the following amendment to the bill:

Amend H. B. No. 72 by striking out all of Section 11, Line 19, Page 6 and inserting in lieu thereof the following:

Section 111. In the event it shall be made known to the Railroad Commission that any private carrier is unable to pay or satisfy, or has failed or refused to pay and satisfy any final judgment that has been rendered against him within thirty days after same shall become final, where such judgment is based on a claim for bodily injury through accidental means to the person or property of any one other than the carrier or his employees growing out of the operation on the highways of the motor vehicles covered by such permit, then the Commission shall cancel said permit; and same shall not be reinstated, renewed or reissued until such private carrier shall have filed with the Railroad Commission satisfactory evidence that it is then financially able to pay the claims that may arise from such operation of such motor vehicles for such bodily injuries or property damage. Requirement for

such satisfactory evidence shall be met by the filing with the Railroad Commission of a bond or a certificate of insurance.

If such private carrier files such bond, it shall be executed by the carrier as principal and by a solvent surety company authorized to do business in Texas as surety, payable to the Railroad Commission for the use and benefit of those who may sustain such losses as are mentioned above through the operation of the motor vehicles of the private carrier on the highways; and shall be conditioned that the carrier will pay all such judgments as may be rendered against him on such claims,—such bond to be in the penal sum of ten thousand dollars for one vehicle, and twenty-five hundred dollars for each additional vehicle covered by the permit,—on which bond successive recoveries may be had till in the aggregate they exhaust the face amount thereof. Additional bonds must be posted to keep the aggregate amount intact as herein required if payments are made on any of them. No bond may be cancelled until thirty days written notice thereof shall have been given to the Railroad Commission.

If such private carrier files the certificate of insurance provided, it shall be executed by a solvent insurance carrier authorized to do business in Texas, and shall recite that it has executed and delivered a policy of insurance to the private motor carrier covering against loss on account of legal liability for injury to the person or property of others from accidental means incident to the operation of the motor vehicles covered by said permit upon the highways of the State; which policy shall be in the form prescribed by the Board of Insurance Commissioners, and shall require payment of such claims irrespective of the solvency of the private motor carrier, and shall be written for sums of at least five thousand dollars for damage to one person and ten thousand dollars damage to two or more persons in any one accident, and of one thousand dollars for property damage. The certificates shall provide that policies may not be cancelled except upon written notice to the Railroad Commission of at least thirty days.

When required to be filed, both bonds and certificates of insurance shall be renewed before expiration

and kept in full force and effect at all times.

Question—Shall the amendment be adopted?

#### Recess

On motion of Senator Lanning, the Senate, at 12:00 o'clock m., took recess to 2:00 o'clock p. m. today.

#### Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by President Pro Tempore Moore.

#### House Bill 995 on Second Reading

On motion of Senator Pace and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 995 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 995, A bill to be entitled "An Act providing that it shall be unlawful to kill quail in counties of a certain population except on certain days; providing the number of quail that can be killed in one day, and providing a penalty for violation of this Act."

The bill was read second time.

Senator Pace offered the following (committee) amendments to the bill:

#### (1)

Amend H. B. No. 995 by adding thereto a new section to be known as Section 2 and reading as follows:

"Section 2. The crowded condition of the calendar creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended and such rule is hereby suspended and this Act shall be in effect from and after its passage and it is so enacted.

#### (2)

Amend the caption of H. B. No. 995 by changing the period to a semicolon after the word "Act" in the fourth line thereof and adding the following words:

"and declaring an emergency"

The (committee) amendments were adopted severally.

The bill was passed to third reading.

#### House Bill 995 on Third Reading

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 995 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

#### Absent—Excused

Beck	Spears
Cotten	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

#### Absent—Excused

Cotten	Spears
Beck	

**House Joint Resolution 8 on Final Passage**

Senator Martin moved that the following resolution be called from the table for further consideration at this time:

H. J. R. No. 8, Proposing an amendment to the Constitution of the State of Texas, to be known as Section 30b of Article 16, providing that the Legislature may enact laws creating Civil Service for State, county and municipal employees, providing rules and regulations therefor, and further providing that the limitation of the duration of office to two (2) years shall not apply to State, county or municipal Civil Service employees.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Nelson
Brownlee	Pace
Collie	Redditt
Graves	Roberts
Hill	Shivers
Isbell	Small
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield

**Nays—1**

Burns

**Absent**

Hardin	Sulak
Head	

**Absent—Excused**

Beck	Spears
Cotten	

The President Pro Tempore laid the resolution before the Senate on its final passage.

Senator Martin offered the following amendment to the resolution:

Amend H. J. R. No. 8, Section 2, so that the language in lines 50, 51, and 52, which reads: "at a special election to be held throughout the State of Texas on the 28th day of August, 1939," shall hereafter read as follows:

"at the general election to be held throughout the State of Texas on the 5th day of November, 1940."

The amendment was adopted.

The resolution was passed by the following vote:

**Yeas—24**

Aikin	Nelson
Brownlee	Pace
Collie	Redditt
Graves	Roberts
Hill	Shivers
Isbell	Small
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield

**Nays—1**

Burns

**Absent**

Hardin	Sulak
Head	

**Absent—Excused**

Beck	Spears
Cotten	

**Leave of Absence Granted**

Senator Martin was granted leave of absence for the remainder of today on account of important business, on motion of Senator Isbell.

(President in the Chair.)

**House Bill 72 on Passage to Third Reading**

(Special Order)

The Senate resumed consideration of pending business, same being H. B. No. 72, the private motor carrier bill, on its passage to third reading; with amendment by Senator Lemens pending.

Senator Burns offered the following substitute for the amendment:

Amend H. B. No. 72, Page 6, Section 111, by striking out all of said section.

Question first recurring on the substitute, it was lost.

Question next recurring on the amendment, it was adopted.

Senator Moore moved to reconsider the vote by which the amendment was adopted.

Yeas and nays were demanded, and the motion to reconsider was lost by the following vote:

## Yeas—12

Brownlee	Shivers
Collie	Stone
Graves	of Washington
Hardin	Van Zandt
Hill	Weinert
Moore	Winfield
Redditt	

## Nays—14

Aikin	Nelson
Burns	Pace
Isbell	Roberts
Kelley	Small
Lanning	Stone
Lemens	of Galveston
Metcalf	Sulak
Moffett	

## Absent

Head

## Absent—Excused

Beck	Spears
Cotten	Martin

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 72 by adding the following at the end of Section 112, page 6 of said bill:

"Provided however, that hereafter only persons whose principal purpose of employment is the operating of a motor vehicle, and persons who drive a motor vehicle while in use for hire, shall be required to purchase a chauffeur's license. Provided further, that persons operating vehicles owned by persons operating under certificate of necessity and convenience, issued by the Railroad Commission of Texas, shall not be required to have a chauffeur's license."

AIKIN,  
GRAVES,  
MOFFET,  
LEMENS.

The amendment was adopted.

Senator Kelley offered the following amendment to the bill:

Amend H. B. No. 72 by striking out sub-section (a) paragraph 1, Section 102 of said bill and substituting in lieu thereof the following:

Sec. 102 - (1) — (a). Any person transporting his own farm implements, farm supplies, livestock, livestock feed stuffs, agricultural products or wool, mohair of lumber from the area of production to the market.

Senator Roberts moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—18

Aikin	Roberts
Brownlee	Shivers
Graves	Small
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Lemens	Sulak
Moore	Van Zandt
Pace	Weinert

## Nays—8

Burns	Metcalf
Collie	Nelson
Kelley	Redditt
Lanning	Winfield

## Absent

Moffett

## Absent—Excused

Beck	Martin
Cotten	Spears

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 72 by adding a new section to be numbered —:

"After the passage of this Act any truck which operates on the State Highway is hereby allowed to haul a net load of not more than 12,500 pounds and all laws in conflict with this section are hereby repealed."

Senator Van Zandt raised a point of order against consideration of the amendment on the ground that it is not germane to the original purpose of the bill.

The President sustained the point of order.

Senator Van Zandt offered the following amendment to the bill:

Amend printed H. B. No. 72, page 4, line 23 by adding after the word "principal" in said line the following:

"or any utility company using its own equipment transporting its own property and employees over the highways."

The amendment was adopted.

Senator Kelley offered the following amendment to the bill:

Amend H. B. No. 72 by adding a new subsection under Sec. 101 to be known as sub-section (6):

"Providing that any person who transports his own farm implements, farm supplies, livestock, livestock feedstuffs, agricultural products or wool and mohair, from the place of production to the market shall have a right to a private carrier permit as provided herein.

Senator Weinert moved the previous question on the amendment and the passage of the bill, to third reading, and the motion was duly seconded.

The main question was ordered by the following vote:

## Yeas—17

Brownlee	Redditt
Burns	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Isbell	of Washington
Lemens	Van Zandt
Nelson	Weinert
Pace	Winfield

## Nays—10

Aikin	Moffett
Collie	Moore
Hill	Stone
Kelley	of Galveston
Lanning	Sulak
Metcalf	

## Absent—Excused

Beck	Martin
Cotten	Spears

Question first recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yeas—10

Burns	Collie
-------	--------

Hill	Moffett
Kelley	Nelson
Lanning	Redditt
Metcalf	Shivers

## Nays—17

Aikin	Small
Brownlee	Stone
Graves	of Galveston
Hardin	Stone
Head	of Washington
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Pace	Winfield
Roberts	

## Absent—Excused

Beck	Martin
Cotten	Spears

The bill then was passed to third reading.

## House Bill 72 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 72 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—26

Aikin	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield

## Nays—1

Kelley

## Absent—Excused

Beck	Martin
Cotten	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Record of Vote**

Senator Kelley asked to be recorded as voting "nay" on the passage of the bill.

**Message from the House**

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 1097, A bill to be entitled "An Act making an appropriation of the sum of Seventy-five Thousand (\$75,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses and per diem of Members, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

**House Bill on First Reading**

The following bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 1097, to Committee on Finance.

**Report of Standing Committee**

Senator Hill, by unanimous consent, submitted at this time the following report of the Committee on Criminal Jurisprudence:

Austin, Texas,  
May 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 467, A bill to be entitled "An Act making it a felony punishable by confinement in the penitentiary for any person directly, or as agent or employee for another, or

through an agent or agents, engage in the business of lending money or credit, or purchasing salaries, to knowingly collect interest, as that term is defined by law, in excess of ten per cent per annum; etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

HILL, Vice-Chairman.

**Minority Report on Senate Bill 467 Adopted**

Senator Hill submitted at this time the following minority report on S. B. No. 467:

Austin, Texas,  
May 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 467, A bill to be entitled, "An Act making it a felony punishable by confinement in the penitentiary for any person directly, or as an agent or employee for another, or through an agent or agents, engaged in the business of lending money or credit, or purchasing salaries, to knowingly collect interest, as that term is defined by law, in excess of ten per cent per annum; providing that any place where such business is conducted and such interest in excess of ten per cent per annum is knowingly collected shall be a common nuisance and that any person who knowingly maintains or assists in maintaining such place is guilty of maintaining a nuisance; providing for the issuance of an injunction to abate such nuisance; providing that it is the intention of the Legislature to enact each section separately irrespective of the validity of any other section; repealing all laws in conflict herewith; and declaring an emergency,"

Beg leave to differ with a majority of the Committee, and to report the same back to the Senate with the recommendation that it do pass, and be printed.

HILL,  
COLLIE,  
NELSON.

Senator Hill moved that the minority report on S. B. No. 467 be adopted in lieu of the majority report on the bill.

The motion prevailed by the following vote:

Yeas—16

Aikin	Lanning
Burns	Lemens
Collie	Metcalf
Graves	Moffett
Hardin	Nelson
Head	Pace
Hill	Redditt
Isbell	Sulak

Nays—10

Brownlee	Stone
Kelley	of Washington
Moore	Van Zandt
Shivers	Weinert
Small	Winfield
Stone	
of Galveston	

Absent

Roberts

Absent—Excused

Beck	Martin
Cotten	Spears

House Bill 190 on Second Reading

(Special Order)

The President laid before the Senate, as a special order for this hour, on its second reading and passage to third reading:

H. B. No. 190, A bill to be entitled "An Act making the giving of any check, draft or order for money upon any bank, firm, person or corporation, a felony, providing the person so giving such check, draft or order has not at the time of giving such check, draft or order sufficient funds deposited with such bank, firm, person or corporation to pay such check, draft or order; providing for the punishment for violation thereof; repealing Section 4 of Article 1546 of the Penal Code of the State of Texas as revised in 1925, and declaring an emergency."

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

Amend H. B. No. 190, the caption

thereof, by striking out the words, "a felony," where they appear together, and substituting in lieu thereof the word, "unlawful."

MARTIN,  
NELSON,  
BROWNLEE.

The amendment was adopted.

Senator Nelson offered the following amendment to the bill:

Amend H. B. No. 190, the caption thereof, by striking out the last paragraph of the caption, reading as follows:

"Providing punishment for violation; and declaring an emergency."

and substituting in lieu thereof the following:

"Providing punishment for violation; providing that in all prosecutions under this Act, felony or misdemeanor, process shall be issued and served as in felony cases and have the same binding force and effect as though the offense were of the grade of felony, and providing compensation for officers issuing and serving such process and compensation to witnesses; declaring the rule that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof; and declaring an emergency."

MARTIN,  
NELSON,  
BROWNLEE.

The amendment was adopted.

Senator Nelson offered the following amendment to the bill:

Amend H. B. No. 190 by striking out all of Section 5 thereof and substituting in lieu thereof the following:

"Section 5. Any person violating any provision of this Act shall be punished in the same manner as is provided for the punishment of theft according to the amount of the check, draft or order upon the bank, person, firm or corporation.

"In all prosecutions under this Act, whether the offense be of the grade of a felony or misdemeanor, process shall be issued and served in the county or out of the county wherein the prosecution is pending and have the same binding force and effect as though the offense being prosecuted

were a felony; and all officers issuing and serving such process in or out of the county wherein the prosecution is pending, and all witnesses from within or without the county wherein the prosecution is pending shall be compensated in like manner as though the offense were a felony in grade."

MARTIN,  
NELSON,  
BROWNLEE.

The amendment was adopted.

Question—Shall the bill be passed to third reading?

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas, May 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on Senate Bill No. 427. The following are conferees on the part of the House: Thornton, Reed, Alsup, Hull, Wood.

The House refused to concur in Senate amendments to House Bill No. 363, and has requested the appointment of a Conference Committee to consider the differences between the two Houses. The following are appointed on the part of the House: Kinard, Heflin, Boyd, Howard, Hartzog.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 111. The following are appointed on the part of the House: Cleveland, Langdon, Alsup, Tarwater, Chambers.

The House refused to concur in Senate amendments to House Bill No. 933, and has requested the appointment of a Conference Committee to consider the differences between the two Houses. The following are appointed on the part of the House: Morris, Smith of Hopkins, London, Schuenemann, Harris.

The House refused to concur in

Senate amendments to House Bill No. 926, and has requested the appointment of a Conference Committee to consider the differences between the two Houses. The following are appointed on the part of the House: Morris, Harris, Hamilton, London, Shell.

Respectfully submitted,  
E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Conference Committee on House Bill 933

Senator Aikin called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 933.

Senator Aikin moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Aikin, Isbell, Stone of Washington, Winfield and Van Zandt.

#### Conference Committee on House Bill 926

Senator Aikin called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 926.

Senator Aikin moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Aikin, Isbell, Stone of Washington, Winfield and Van Zandt.

#### Resolutions Signed

The President signed House Concurrent Resolutions Nos. 142, 153, and 154 in the presence of the Senate after their titles had been read severally.

#### Report of Conference Committee on Senate Bill 36

Senator Roberts submitted at this time the following report of the Conference Committee on S. B. No. 36:



Austin, Texas,  
May 22, 1939.

Hon. Coke R. Stevenson, President of  
the Senate.

Hon. R. Emmett Morse, Speaker of  
the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on Senate Bill No. 36, have had the same under consideration and recommend that the bill do pass in the form hereto attached.

Respectfully submitted,

ROBERTS,  
SHIVERS,  
NELSON,  
VAN ZANDT,  
MARTIN,

On the part of the Senate.

ALSUP,  
BELL,  
BROWN,  
of Cherokee,  
HARDIN,  
BUNDY,

On the part of the House.

By Roberts.

S. B. No. 36.

A BILL  
TO BE ENTITLED

An Act creating a State Department of Public Welfare for the State of Texas; prescribing its rights, powers, functions, and duties; creating and providing for a State Board of Public Welfare; prescribing its rights, powers and duties; defining certain terms; providing for the administration of this Act, providing for payment of Old Age Assistance; providing for assistance to needy blind persons, dependent and destitute children, and persons or families who are in dependent and needy circumstances; accepting for the State of Texas all of the provisions of the Federal Social Security Act, enacted by the Congress of the United States and approved March 14, 1935; transferring all the rights, powers and duties of the Division of Child Welfare of the State Board of Control to the State Department of Public Welfare, and abolishing the Division of Child Welfare of the State Board of Control; transferring all the rights, powers and duties of the Texas Relief Commission to the State Department of

Public Welfare and abolishing the Texas Relief Commission; transferring all the rights, powers, and duties of the Texas Old Age Assistance Commission to the State Department of Public Welfare; and abolishing the Texas Old Age Assistance Commission; providing for the transfer of the staffs, records and physical properties of the Division of Child Welfare of the Board of Control, the Texas Relief Commission, and the Texas Old Age Assistance Commission to the State Department of Public Welfare; designating the State Department of Public Welfare as the State agency to cooperate with the Federal Government in the administration of the provisions Title I, Title IV, Part 3 of Title V, and Title X, of the Federal Social Security Act, and other titles; designating the State Department of Public Welfare as the State agency to cooperate with the Children's Bureau of the United States Department of Labor in certain matters; designating the State Department of Public Welfare as the State agency to cooperate with the Federal Government in the administration and distribution of Federal surplus commodities and other Federal resources; providing for the transfer of certain funds to the credit of the State Department of Public Welfare; creating certain funds in the State Treasury; making appropriations; providing penalties for violation of provisions of this Act; providing a saving clause; providing the effective date of this Act; providing schedule for proration of funds; repealing House Bill No. 7, Chapter 435, Acts of the Regular Session of the 45th Legislature, and all other Acts, laws or parts thereof in conflict with this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. As used in this Act:

- a. The term "State Board" means the State Board of Public Welfare.
- b. The term "State Department" means the State Department of Public Welfare.
- c. The term "Executive Director" means Executive Director of the State Department of Public Welfare.
- d. The term "Public Welfare" means and includes all forms of pub-

lic assistance and specific services provided for in this Act.

e. The term "Dependent Child" means a needy child under the age of fourteen (14) years, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical and mental incapacity of a parent, and whose relatives liable under the law for his support are not able to provide adequate care or support for such child without public assistance, and who is living with his father, adoptive father, mother, adoptive mother, grandfather, grandfather-in-law, great-grandfather, grandmother, grandmother-in-law, great-grandmother, step-father, step-mother, (but not their parents), brother, brother of the half-blood, brother-in-law, adoptive brother, sister, sister of the half-blood, sister-in-law, adoptive sister, step-brother, step-sister, uncle and aunt of the whole or half-blood, uncle-in-law, aunt-in-law, great-uncle, or great-aunt in a place maintained by one or more of such relatives as his or her home.

f. The term "Child Welfare Service" means services for children provided for in this Act.

Sec. 2. a. There is hereby created a State Department of Public Welfare which shall consist of a State Board of Public Welfare, an Executive Director, and such other officers and employees as may be required to efficiently carry out the purposes of this Act. The State Board of Public Welfare shall be composed of three (3) members to be appointed by the Governor of the State of Texas with the advice and consent of the Senate on the basis of demonstrated interest in, and knowledge of, public welfare and who have had experience as an executive or administrator in an enterprise of comparable size; the term of one member to expire January 20, 1941, the term of one member to expire January 20, 1943, and the term of one member to expire January 20, 1945. The Governor shall designate which appointee he desires to fill each term and shall make such appointment immediately after the effective date of this Act. Vacancies shall be filled for an unexpired term by appointment of the Governor with the advice and consent of the Senate. On January 20, 1941, and biennially thereafter, one member of said Board shall be appointed for a full term

of six (6) years, and each member of said Board shall hold office until his successor has been appointed and has qualified by taking the oath of office and giving bond as hereinafter prescribed. The State Board of Public Welfare shall have its office in Austin, Texas, in such building as shall be designated and approved by the State Board of Control.

b. The members of the State Board of Public Welfare shall be public officers and as such shall take the oath of office required by the Constitution of Texas, and each member shall give bond in form prescribed by the Attorney General in the sum of Thirty Thousand Dollars (\$30,000) payable to and to be approved by the Governor and conditioned for the faithful performance of his duties. The premium on such bonds shall be paid out of the funds appropriated for operating expenses of the State Department and any recovery on such bonds shall inure to the benefit of such funds maintained by the State Treasury for the benefit of the State Department of Public Welfare as hereinafter designated and created.

c. At the first meeting of the members of said Board, after their appointment, and biennially thereafter upon the appointment of a new member thereof, one of the members thereof shall be elected Chairman to preside over all meetings of such Board, and two (2) members thereof shall constitute a quorum for the transaction of business.

d. The members of the State Board of Public Welfare shall receive their actual expenses while engaged in the performance of their duties and a per diem of Ten Dollars (\$10) per day for not exceeding sixty (60) days for any fiscal year.

Sec. 3. a. The Board shall select and appoint, with the advice and consent of two-thirds of the membership of the Senate, an Executive Director of the Department of Public Welfare, who shall be the executive and administrative officer of the State Department and shall discharge all administrative and executive functions of the State Department. Such person so selected and appointed shall be not less than thirty-five (35) years of age at the date of his appointment, and shall have been a resident citizen of the State of Texas for at least ten (10) years preceding the date of his appointment, and shall not have

been an occupant of any elective State office at the time of his appointment, nor have occupied any elective State office during the six (6) months next preceding the date of his said appointment. He shall be a person of demonstrated executive ability and extensive experience in public welfare administration, and shall have had experience as an executive or administrator in an enterprise of comparable size. He shall serve at the pleasure of the Board and shall be paid an annual salary of not to exceed Five Thousand Dollars (\$5,000) payable in equal monthly installments.

b. The Board shall be responsible for the adoption of all policies, rules, and regulations for the government of the State Department of Public Welfare.

c. The Board, its agents, representatives and employees shall constitute the State Department of Public Welfare and whenever, by any of the provisions of this Act, or of any other act, any right, power or duty is imposed or conferred on the State Department of Public Welfare, the right, power or duty so imposed or conferred shall be possessed and exercised by the Executive Director unless any such right, power or duty is specifically delegated to the duly appointed agents of such department, or any of them by this Act or by an appropriate rule, regulation or order of the State Board.

Sec. 4. The Executive Director shall be the executive and administrative officer of the State Department. The Executive Director, with the consent and approval of a majority of the members of the Board shall:

a. Classify all positions in the administration of this Act;

b. Fix objective standards for all positions included in the classifications;

c. Formulate salary schedules for the services so classified, subject to biennial appropriations;

d. Provide for a fair and impartial selection, appointment, retention and promotion of personnel in accordance with the classification and compensation plans therein before provided.

Sec. 5. The State Department shall be charged with the administration of the welfare activities of the State

as hereinafter provided. The State Department shall:

a. Administer aid to needy dependent children, assistance to needy blind, and administer or supervise general relief;

b. Administer or supervise all child welfare service, except as otherwise provided for;

c. Administer assistance to the needy aged;

d. Cooperate with the Federal Social Security Board, created under Title 7 of the Social Security Act enacted by the Seventy-fourth Congress and approved August 14, 1935, and any amendments thereto, and with any other agency of the Federal Government in any reasonable manner which may be necessary to qualify for Federal Aid for assistance to persons who are entitled to assistance under the provisions of that Act, and in conformity with the provisions of this Act, including the making of such reports, in such forms and containing such information as the Federal Social Security Board or any other proper agency of the Federal Government may, from time to time, require, and comply with such requirements as such Board or agency may, from time to time, find necessary to assure the correctness and verifications of such reports;

e. Assist other departments, agencies, and institutions of the local, State and Federal Governments, when so requested and cooperate with such agencies when expedient, in performing services in conformity with the purposes of this Act.

f. Fix the fees to be paid to ophthalmologists or physicians skilled in treatment of diseases of the eye for the examination of applicants for, and recipients of, assistance as needy blind persons, as herein provided in Section 15 of this Act.

g. Establish and provide such method of local administration as is deemed advisable, and provide such personnel as may be found necessary for carrying out in an economical way the administration of this Act; provided, however, that all employees of the Department shall have been residents of the State of Texas for a period of at least four (4) years preceding their appointment. To serve in an advisory capacity to such local administrative units as may be established, there may also be estab-

lished local advisory Boards of Public Welfare, which Boards shall be of such size, membership, and experience as may be determined by the Executive Director of the Department of Welfare to be essential for the accomplishment of the purposes of this Act.

h. Carry on research and compile statistics relative to the entire public welfare program throughout the State, including all phases of dependency, delinquency, and related problems, and develop plans in cooperation with other public and private agencies for the prevention as well as treatment of conditions giving rise to public welfare problems.

Sec. 6. There shall be created in the State Department of Public Welfare the following Divisions:

a. A Division of Public Assistance.

b. A Division of Child Welfare.

c. A Division of Research and Statistics, and such other Divisions as the Executive Director may find necessary for effective administration. The Executive Director shall have the power to allocate and reallocate functions among the Divisions within the Department and have the power and authority, subject to classification, to select, appoint, and discharge such assistants, clerks, stenographers, auditors, bookkeepers, and clerical assistants as may be necessary in the administration of the duties imposed upon the State Department of Public Welfare within the limits of the appropriations that may be made for the work of said department; salaries of all such employees to be fixed by the Executive Director in keeping with salaries paid other State employees performing like work and holding similar positions.

Sec. 7. The Executive Director shall prepare and submit to the Board for its approval, a biennial budget of all funds necessary to be appropriated by the Legislature for the State Department for the purposes of this Act, including in such budget an estimate of all Federal funds which may be allotted to this State by the Federal Government for the purposes of the State Department. The budget so prepared shall by the Board be submitted to and filed with the Board of Control in the form and manner and within the time prescribed by law.

Sec. 8. The Executive Director

shall prepare annually a full report of the operation and administration of the Department, together with such recommendation and suggestions as he may deem advisable, and such reports shall be submitted to the Board not later than the first day of October of each year. The Board, in turn, shall submit a report to the Governor and the Legislature.

Sec. 9. a. All of the rights, powers, and duties heretofore conferred by law on the Division of Child Welfare of the Board of Control, when not otherwise in conflict with any of the provisions of this Act, are hereby continued in full force and effect, and are hereby transferred to, and conferred upon, the State Department of Public Welfare as created by this Act, and shall be held, exercised and performed by the State Department under the provisions of this Act and the several Acts now in force, and any amendment or amendments thereto which might be made. To effectuate this purpose the Division of Child Welfare, records, and physical properties are transferred to the State Department and placed under its supervision, and the Division of Child Welfare of the State Board of Control is hereby abolished.

b. All of the rights, powers, and duties heretofore conferred by law upon the Texas Relief Commission, not otherwise in conflict with any of the provisions of this Act, are hereby continued in full force and effect, and are hereby transferred to, and conferred upon, the State Department of Public Welfare as created by this Act, and shall be held, exercised, and performed by the State Department under the provisions of this Act, and the several Acts now in force, and any amendment or amendments thereto which might be made. To effectuate this purpose, the records, and physical properties of the Texas Relief Commission are transferred to the State Department of Public Welfare and placed under its supervision, and the Texas Relief Commission, as referred to in Chapter 30, of the Acts of 1935, is hereby abolished.

c. All the rights, powers, and duties heretofore conferred by law upon the Texas Old Age Assistance Commission, when not otherwise in conflict with any of the provisions of this Act, are hereby continued in full force and effect, and are hereby transferred to, and conferred upon the

State Department of Public Welfare as created by this Act, and shall be held, exercised, and performed by the State Department under the provisions of this Act, and the several Acts now in force, and any amendment or amendments thereto which might be made. To effectuate this purpose, the records and physical properties are hereby transferred to the State Department and placed under its supervision, and the Texas Old Age Assistance Commission is hereby abolished.

d. Provided, that no provision of this Act shall in any manner interfere with the powers and functions of the Vocational Rehabilitation Division of the Department of Education, and the State Commission for the Blind, or the Division of Maternal and Child Health of the State Health Department, or the Juvenile Boards of any of the counties authorized by Title 82, Revised Civil Statutes as amended.

Sec. 10. The State Department of Welfare is hereby designated as the State agency to cooperate with the Federal Government in the administration of the provisions of Title I, Title IV, Part 3 of Title V, and Title X, of the Federal "Social Security Act" and of the provisions of such other Titles of the Federal "Social Security Act" as may be added thereto from time to time, in the event no other State agency is by law designated to cooperate with the Federal Government in the administration of the provisions of such Title, or Titles as may be added to the "Social Security Act" and the Department is directed to enact and promulgate such rules and regulations as may be necessary to effect the cooperation as herein outlined and designated.

The State Department of Welfare is hereby authorized and directed to cooperate with the proper departments of the Federal Government and with all other departments of the State and local governments in the enforcement and administration of such provisions of the Federal "Social Security Act," and any amendments thereto and the rules and regulations issued thereunder, and in compliance therewith, in the manner prescribed in this Act or as otherwise provided by law.

Sec. 11. a. The State Treasurer is hereby designated as the custodian of any and all money which

may be received by the State of Texas (which the State Department of Public Welfare is authorized to administer), from any appropriations made by the Congress of the United States for the purpose of cooperating with the several States in the enforcement and administration of the several provisions of the Federal "Social Security Act," and all money received from any other source; and the State treasurer is hereby authorized to receive such money, pay it into the proper fund or the proper account of the General Fund of the State Treasury, provide for the proper custody thereof and to make disbursements therefrom upon the order of the State Department and upon warrant of the State Comptroller of Public Accounts.

b. For the purpose of carrying out the provisions of this Act, all monies in the Texas Old Age Assistance Fund, created by House Bill No. 26, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 8, Chapter 495, Acts of the Third Called Session of the Forty-fourth Legislature shall be transferred to the State Department of Public Welfare Fund as created by this Act, provided same shall be expended only for the purpose of carrying out the provisions of House Bill No. 8, Chapter 495, Acts of the Third Called Session of the Forty-fourth Legislature, and any amendments thereto. All monies that have heretofore, or may be, allocated, for the purpose of carrying out the provisions of House Bill No. 8, Chapter 495, Acts of the Third Called Session of the Forty-fourth Legislature, to the Texas Old Age Assistance Fund shall, from the effective date of this Act, be allocated to and placed in the State Department of Public Welfare Fund to be used for the purposes for which they were created or appropriated.

Sec. 12. Assistance shall be given under the provisions of this Act to any needy blind person who:

a. is over the age of twenty-one (21) years; and

b. whose vision, with correctional glasses, is insufficient for use in an occupation for which sight is essential; and

c. who has resided in this State for five (5) years during the nine (9) years immediately preceding the date of application, and who has resided

in this State continuously for one year immediately preceding the date of application; and

d. is not at the time of receiving such aid an inmate of any public or private home for the aged; or of any institution supported wholly or in part by Federal, State, County or City funds, or any public or private institution of a custodial, correctional, or curative character; provided, however, that aid may be granted to persons temporarily confined in private institutions for medical or surgical care; and

e. who is not publicly soliciting alms in any part of this State. The term "publicly soliciting" shall be construed to mean the wearing, carrying, or exhibiting the signs denoting blindness, or the carrying of receptacles for the reception of alms, or the doing of the same by proxy, or by begging from house to house or on any public street, road, or thoroughfare within the State; and

f. who has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health; and

g. who is a citizen of the United States.

Sec. 13. No aid to needy blind persons shall be given under the provisions of this Act to any individual for any period with respect to which he is receiving aid under the Old Age Assistance Act of the State of Texas.

Sec. 14. The amount of assistance which shall be granted to any needy blind person shall be determined by the State Department through its district or county agencies in the county or district in which the blind person resides, with due regard to the resources and necessary expenditures of such needy blind person, and the conditions existing in each case, and in accordance with the rules and regulations made by the State Department. In no case shall the amount of assistance granted to any needy blind person exceed the sum of Fifteen Dollars (\$15.00) per month, and, in addition thereto, such funds as the Federal Government may appropriate and allocate to the State of Texas from time to time shall be distributed among the recipients of assistance in like manner as State funds are paid under the terms of this Act; provided that in no case shall such assistance be in an amount

which, when added to the income of the applicant from all other sources, including income from property and from State and Federal Government, shall exceed a total of Thirty Dollars (\$30.00) per month; provided that the assistance granted herein shall be granted in such amount as will provide reasonable subsistence not incompatible with good health and decency, and provided further that assistance which may be received from some other source, for the purpose of providing surgical operation or medical treatment for the purpose of benefiting or removing the applicant's visual disability, when such operation or treatment is recommended by a qualified ophthalmologist or physician skilled in treatment of diseases of the eye shall not be considered as income available to the applicant for subsistence.

Sec. 15. No application for assistance as a needy blind person shall be approved until the applicant shall have been examined by an ophthalmologist or physician skilled in treatment of diseases of the eye and who is licensed to practice medicine in Texas, and who has been approved by the State Department to make such examination. The examining ophthalmologist or physician shall certify, in writing upon forms prescribed by the State Department as to the cause, diagnosis, and prognosis, and shall make recommendations as to the medical and surgical treatment. The State Department shall adopt a reasonable fee schedule for such examinations. Such fees shall be paid out of the funds appropriated to the State Department for the purpose of assistance to needy blind persons under the provisions of this Act or for administrative expense.

Sec. 16. No assistance given to any needy blind person under the provisions of this Act shall be transferable or assignable, at law or in equity, and none of the money paid or payable under the provisions of this Act shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any insolvency law."

Section 17. All assistance granted under the provisions of this Act to any needy blind person shall be reconsidered as frequently as may be required by the rules of the State Department. After such further in-

vestigation as the State Department may deem necessary or may require, the amount of assistance may be changed, or the assistance may be entirely withdrawn if the State Department finds that the recipient's circumstances have altered sufficiently to warrant such action. The State Department may at any time cancel and revoke assistance or it may suspend assistance for such period as it may deem proper, upon the ground of ineligibility of the recipient under the provisions of this Act. Whenever assistance is thus withdrawn, revoked, suspended, or in any way changed, the State Department shall at once notify the recipient of such decision.

Sec. 18. Every recipient of assistance as a needy blind person shall submit to a re-examination of his eyesight at least once every two (2) years, unless excused therefrom by the State Department. He shall also furnish any reasonable information required by the State Department.

Sec. 19. Assistance under the provisions of this Act, at the discretion of the State Department, may be denied or withdrawn from any needy blind person who refuses medical, surgical, or other treatment, when his eyesight may be partially or wholly restored by such treatment and a certificate in writing to that effect is made by the examining ophthalmologist or physician skilled in the treatment of diseases of the eye. Any person who is denied assistance upon this ground shall be granted an opportunity for a fair hearing as herein provided. The State Department may appoint regular practicing physicians to examine the needy blind as to their physical condition, and appoint ophthalmologists or physicians skilled in treatment of diseases of the eye, to examine applicants as to the condition of their eyes.

Sec. 20. The State Department shall promulgate such rules and regulations stating in terms of ophthalmic measurements, the amount of visual acuity which an applicant may have and still be eligible for assistance under this Act.

Sec. 21. Assistance may be given under the provisions of this Act with respect to any needy dependent child who:

- a. Is a citizen of the United States.
- b. Has resided in this State for a period of at least one (1) year immediately preceding the date of the

application for such assistance; or was born within the State within one year immediately preceding the date of application, and whose mother has resided in the State for a period of at least one (1) year immediately preceding the birth of such child.

Sec. 22. The amount of assistance which shall be granted for any needy dependent child shall be determined by the State Department, through its district or county agencies in the county or district in which the child resides, with due regard to the resources and necessary expenditures of the family of such child and the conditions existing in each case, and in accordance with the rules and regulations made by the State Department, and shall be sufficient, when added to all other income and support available to the child to provide such child with a reasonable subsistence compatible with decency and health, within the limitations and provisions of the Constitution of Texas as are now provided, or may later be provided, and, in addition thereto, such funds as the Federal Government may appropriate and allocate to the State of Texas from time to time shall be distributed to the recipients of assistance in like manner as State funds are paid under the terms of this Act.

Sec. 23. Application for assistance for a needy dependent child under the provisions of this Act shall be made in the manner and upon the form prescribed by the State Department. During the period in which assistance is granted, the State Department shall have jurisdiction over general guidance of all children aided.

Sec. 24. When the investigation discloses that a child in whose behalf application for assistance has been made is a needy dependent child as defined in this Act, and that such child is living, or will live, with one or more of the relatives prescribed in this Act, assistance may be allowed for the support of such child if other provisions of this Act are complied with.

Sec. 25. Assistance shall be granted under the provisions of this Act to all persons or families who are in dependent and needy circumstances, and who are ineligible for, or not currently receiving, assistance in other categories specified in this Act.

Sec. 26. The State Department shall designate or establish district

or local units of administration as its agents in administering or supervising these general relief services.

Sec. 27. The State Department is hereby designated as the State agency to cooperate with the Federal Government in the proper administration and distribution of Federal surplus commodities and any other Federal resources now on hand and available, or that may be provided in the future.

Sec. 28. The State Department is hereby designated as the agency to cooperate with the Children's Bureau of the United States Department of Labor in:

a. Establishing, extending, and strengthening, especially in predominantly rural areas, public welfare services for the protection and care of homeless, dependent, neglected children and children in danger of becoming delinquent; and

b. Developing State services for the encouragement and assistance of adequate methods of community child welfare organization and paying part of the cost of district, county, or other local child welfare services in areas predominantly rural and in other areas of special need; and as may be determined by the rules and regulations of said State Department; and

c. Developing such plans as may be found necessary to effectuate the services contemplated in this Section, and to comply with the rules and requirements of the Children's Bureau of the United States Department of Labor issued and prescribed in conformity with, and by virtue of, the Federal "Social Security Act."

Sec. 29. a. In the event that an application for public assistance by a needy blind person, a needy aged person, or with respect to a needy dependent child, is not acted upon by the local unit of administration within a reasonable time after the filing of such an application, or is denied in whole, or in part, or any award of assistance is modified or cancelled, or applicant or recipient is dissatisfied with any action or failure to act on the part of the local administrative unit, the applicant or recipient shall have the right to appeal to the State Department and shall be granted a reasonable notice and opportunity for a fair hearing before the State Department.

b. Within a reasonable time prior

to an applicant's or recipient's appeal hearing, he, or his authorized agent, shall be fully advised of the information contained in his record on which action of the local administrative unit was based, if request for such information is made in writing, and no evidence of which the applicant or recipient is not informed, in such instances, shall be considered by the Board as the basis for a decision after a hearing.

Sec. 30. a. It shall be unlawful for any attorney-at-law, or attorney-in-fact, or any other person, firm, or corporation whatsoever, representing any applicant or recipient of assistance to the aged, to the needy blind, or to any needy dependent child, or for any child welfare service with respect to any application before the State Department, or any of its agents, to charge a fee for his services in excess of Ten Dollars (\$10.00) in aiding or representing any such applicant before the State Department, or for any other service in aiding such applicant to secure assistance of service. It shall likewise be unlawful for any person, firm, or corporation, to advertise, hold himself out for, or solicit the procurement of assistance or service.

b. Any person or persons charged with the duty or responsibility of administering, disbursing, auditing, or otherwise handling the grants, funds, or monies provided for in this Act, and who shall misappropriate any such grants, funds, or monies or who shall by deception or fraud to any other person wrongfully distribute the grants, funds, or monies provided for in this Act, shall be deemed guilty of a felony and shall, upon conviction, be confined in the State Penitentiary for a term of not less than two (2) nor more than twenty (20) years.

Sec. 31. All records concerning any applicant or recipient contemplated in this Act shall be confidential, and shall be open to inspection only to persons duly authorized by the State, or the United States, to make such inspection in connection with their official duties; provided, however, that factual information in such records shall be available to applicants and recipients or their duly authorized agents; provided, further, that no lists of names of recipients shall be published or distributed for purposes of being made



parts of any State, county or city records, or for any other purpose.

Sec. 32. Any person who is receiving assistance under the provisions of this Act and who moves out of and does not reside in the State shall, by virtue of that fact, be deemed ineligible to receive assistance in this State except that temporary absence from the State for such periods of time, and for such reason as the State Department shall approve, shall not be deemed to interrupt the residence of the recipient.

Sec. 33. No person, who has attained the age of sixty-five (65), and who is not receiving old age assistance, shall by reason of his age, be disbarred from receiving other public relief and care.

Sec. 34. The purpose of this Act is to inaugurate a program of social security and to provide necessary and prompt assistance to the citizens of this State who are entitled to avail themselves of its provisions. This Act shall be liberally construed in order that its purposes may be accomplished as equitably, economically and expeditiously as possible.

Sec. 35. a. Whoever obtains, or attempts to obtain, or aids or abets any person to obtain, by means of a wilfully false statement or representation or by impersonation, or by other fraudulent means:

1. assistance, services, or treatment to which he is not entitled;
2. assistance, services, or treatment greater than that to which he is justly entitled;
3. or with intent to defraud, aids or abets in buying, or in any way disposing of the property of a recipient of assistance without the consent of the State Department, or whoever violates Section 30 of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined any sum not more than One Hundred Dollars (\$100), or be imprisoned for not less than six (6) months, nor more than two (2) years, or be both so fined and imprisoned.

Sec. 36. a. The effective date of this Act shall be September 1, 1939, thereafter the several officers and agencies of the State whose duties are transferred by this Act to the State Department shall continue to discharge the respective duties which they were discharging at the time of the taking effect of this Act, until the

State Board shall certify in writing, to the Secretary of State and the Comptroller of Public Accounts, that the State Department of Public Welfare is organized, as prescribed in this Act and is prepared to assume the duties assigned to it by the provisions of this Act.

b. All matters and orders pending before or made by any officer or department or unit transferred under this Act to the State Department shall be deemed to be continued in like status in such department.

Sec. 37. a. There is hereby created in the Treasury of the State of Texas a special fund to be known as the "State Department of Public Welfare Fund," to be kept separate and apart from all other funds by the State Treasurer. It is provided that the Legislature, out of any monies allocated to said fund, may appropriate sums of money sufficient to pay the aid and assistance to needy citizens of Texas and for the rendering of other services as provided for in this Act. It is further provided that, out of said fund, the Legislature may appropriate monies to be used for the purposes of administering this Act.

b. All assistance benefits provided for under the terms of this Act shall be paid by vouchers or warrants drawn by the State Comptroller on the "State Department of Public Welfare Fund"; for the purpose of permitting the State Comptroller to properly draw and issue such vouchers or warrants, the State Department of Public Welfare shall furnish the Comptroller with a list or roll of those entitled to assistance from time to time, together with the amount to which each recipient is entitled. When such vouchers or warrants have been drawn they shall be delivered to the Executive Director of the State Department of Public Welfare, who in turn shall supervise the delivery of same to the persons entitled thereto.

Sec. 38. All Assistance granted under the provisions of this Act shall be deemed to be granted and to be held subject to the provisions of any amending or repealing Act that may hereafter be passed, and no recipient shall have any claims for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing Act.

Sec. 39. The local representatives

of the Department, who are charged with the duty of investigating and determining the eligibility of applicants for assistance under the provisions of this Act, are authorized to administer oaths and take acknowledgments concerning all matters relating to the administration of this Act. No seal shall be required of such representatives of the Department in attesting to oaths administered or acknowledgments taken, but said representatives shall officially sign said oaths or acknowledgments, showing with such signature their position and title. In this connection, these local representatives of the Department, for the purposes of the administration of this Act, shall have the same authority as is now had by Notaries Public coextensive with the limits of the State of Texas.

Sec. 40. It is provided that no grants of aid and assistance shall be made to any needy blind person or for the benefit of any dependent and destitute child until the expiration of ninety (90) days after the effective date of any revenue Act or Acts that may be passed by the Legislature making funds available to be used for the purposes of granting such aid and assistance.

Sec. 41. If any section, subsection, paragraph, sentence, clause, phrase, or word of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining portions of the Act, and the Legislature hereby declares that it would have passed such remaining portions despite such invalidity.

Sec. 42. County Child Welfare Boards established or hereinafter appointed in conformity with Section 4, Acts of 1931, Forty-second Legislature, page 323, Chapter 194, shall continue to function as provided therein.

Sec. 43. No provision of this Act is intended to release the counties and municipalities in this State from the specific responsibility which is currently borne by those counties and municipalities in support of public welfare, child welfare, and relief services. Such funds which may hereafter be appropriated by the counties and municipalities for those services may be administered through the county or district offices of the State Department, and, if so administered, shall be devoted exclusively

to the services in the county or municipality making such appropriation.

Sec. 44. If at any time State Funds are not available to pay all grants of assistance in full as authorized in this Act and in H. B. No. 8, Acts 44th Legislature, 3rd Called Session, said grants shall be prorated in accordance with requirements of the Federal Social Security Board, insofar as those grants are concerned for the payment of which in part Federal Funds are allocated by said Social Security Board.

Sec. 45. This Act shall be known and may be cited as "The Public Welfare Act of 1939."

Sec. 46. All Acts, laws, or parts thereof in conflict with the Act are hereby repealed.

Sec. 47. The Public Welfare Act of 1937, Acts 1937, Forty-fifth Legislature, page 880, Chapter 435, is hereby repealed.

Sec. 48. The fact that there is not a proper agency in this State for administering the several provisions and benefits provided under the provisions of the Federal "Social Security Act," of 1935, and the further fact that there are thousands of needy persons in this State entitled to such benefits, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect and be in force on and after September 1, 1939, and it is so enacted.

#### Bills Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills:

S. B. No. 187, "An Act providing that the salary and expenses of the official Court Reporter in each Judicial District in this State having four or more counties, and having a population in excess of 107,500 according to the latest or any future United States Census may, within the discretion of the Commissioners' Court, be paid out of the Jury Fund; and declaring an emergency."

H. B. No. 1041, "An Act providing for Twenty-five (\$25.00) Dollars expenses for County Commissioners in certain counties in this State; pro-

viding mode and manner of payment of such expense accounts; making this Act cumulative of all laws and parts of laws now in force in this State, and declaring an emergency."

H. B. No. 1054, "An Act providing for the payment of the traveling expenses of the Court Reporter of the 110th Judicial District of Texas, composed of Briscoe, Motley, Dickens and Floyd Counties, and declaring an emergency."

#### House Bill 344 Set as Special Order

Senator Head moved that H. B. No. 344 be set as a special order for tomorrow at 4:00 o'clock p. m.

The motion prevailed by the following vote:

#### Yeas—18

Graves	Redditt
Hardin	Roberts
Head	Shivers
Hill	Small
Isbell	Stone
Lanning	of Washington
Lemens	Van Zandt
Metcalfe	Weinert
Moore	Winfield
Nelson	

#### Nays—7

Aikin	Moffett
Brownlee	Stone
Burns	of Galveston
Collie	Sulak

#### Absent

Kelley	Pace
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#### Absent—Excused

Beck	Martin
Cotten	Spears

#### Conference Committee on House Bill 363

Senator Shivers called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 363.

Senator Shivers moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators

Burns, Redditt, Lanning, Moore and Shivers.

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,  
May 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 476, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not less than 15,700 and not more than 15,800 according to the last preceding Federal Census, to allow each county commissioner certain traveling expenses while traveling on official business and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
May 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 475, by Winfield, A bill to be entitled "An Act providing for the licensing and regulation of the business of lending money; placing supervisory authority over such business in the State Banking Commissioner and prescribing his powers and duties; etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

HILL, Vice Chairman.

Austin, Texas,  
May 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 218, by Smith of Frio, A bill to be entitled "An Act to amend Article 570, Penal Code of the State of Texas of 1925; changing the penalty for the violation of Article 568 of the Penal Code of the State of Texas; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HILL, Vice Chairman.

Austin, Texas,  
May 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 652, by Gordon, A bill to be entitled "An Act amending Article 297 of the Penal Code of Texas, of 1925, as amended by Act of the Forty-fourth Legislature in 1935; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

AIKIN, Chairman.

### Adjournment

Senator Moore moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 4:55 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

### APPENDIX

#### Reports of Committees on Engrossed and Enrolled Bills

Austin, Texas,  
May 19, 1939.

Hon. Coke Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 470 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
May 22, 1939.

Hon. Coke Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 192 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
May 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 9 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 187 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

### Communication

Fort Worth, Texas,  
May 19, 1939.

Hon. Bob Barker, Secretary of the Senate.  
Austin, Texas.

Dear Bob:

Eddie has just referred to me the resolution with reference to the passing of our beloved John N. Sparks adopted yesterday by your Honorable Body and it greatly pleases me to acknowledge receipt of same.

This resolution is certainly a splendid tribute to a really great man who is deserving of all the kind thoughts it is possible for us to hold for him; and on behalf of this institution it is my desire to thank all members of the Senate, particularly Senators Martin and Winfield who introduced same, for this resolution, and we are greatly appreciative of the action taken by the Senate.

Mr. Sparks was a genuine character and you may know is greatly

missed by his associates and a large host of friends.

Sincerely,  
R. M. BOWEN,  
Executive Vice President,  
The First National Bank.

### SEVENTY-FOURTH DAY

(Tuesday, May 23, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Small
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalfe	

#### Absent—Excused

Shivers                      Spears

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leaves of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Moore.

Senator Shivers was granted leave of absence for today on account of important business, on motion of Senator Moore.

#### Reports of Standing Committees

Senator Van Zandt submitted the following report of the Committee on Civil Jurisprudence:

Austin, Texas,  
May 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 1070, A bill to be entitled "An Act amending Article 1115 of the Revised Civil Statutes of Texas of 1925 by adding as Article 1115a, provisions for the ratification and validation of the Board of Trustees heretofore created or attempted to be created by any city or town for the owning and operating of city-owned utilities; and providing that such Board of Trustees may have management and control of such systems by ordinance, so long as any of the revenue bonds shall be outstanding and unpaid; repealing all laws in conflict; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

VAN ZANDT, Chairman.

Senator Roberts submitted the following report of the Committee on Finance:

Austin, Texas,  
May 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1097, A bill to be entitled "An Act making an appropriation of the sum of Seventy-five Thousand Dollars (\$75,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses and per diem of members; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ROBERTS, Chairman.

#### House Bill 1097 on Second Reading

On motion of Senator Roberts and by unanimous consent, Senate rules 31a and 48 were suspended, and the regular order of business was sus-